IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1237 OF 2005

Vasant Vistari Poreddiwar ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.A.P. Mundargi for Mr. V.V. Purwant, for the Applicant.

Mr.A.S. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

23rd February 2005

P.C.:

. Heard Counsel for the parties. The Applicant who was in Government service belonging to I.A.S. cadre has been arrested on 1st February 2005 in connection with offence registered with Sadar Bazar Police Station, now transferred to Flying Squad, C.I.D., State, Pune.

The offence pertains to some irregularities noticed in the supply of rice under the Government scheme, which was under the supervision of the Applicant being Additional Collector of Solapur at the relevant time for the year 1997-98. It is seen that the contractor who was entrusted with the work of distribution as well as his son has already been released on bail. It is also fairly accepted by the learned A.P.P. on instructions of the concerned officer, who is present in Court, that after the arrest of the Applicant, matter has been thoroughly investigated and certified copies of all relevant documents have been recovered. Learned A.P.P. fairly accepts that custodial interrogation of the Applicant is no more necessary. However, it is apprehended that if the Applicant is enlarged on bail, the Applicant may attempt to tamper the original record which is in the Collector’s office at Solapur using his past connections. In this backdrop, it is suggested that if at all the Court is inclined to enlarge the Applicant on bail, strict condition be imposed that the Applicant will not enter Solapur District during the pendency of the trial.

. As the Applicant was in Government service, obviously, after arrest on 1st February 2005, he must have suffered suspension in terms of the extant Rules. In that sense, the Applicant has no direct link with the Collector's office at Solapur as at present. Moreover, as the prime accused, namely, the contractor has been enlarged on bail and as investigation insofar as the involvement of the present Applicant in the commiassion of the offence is substantially concluded and custodial interrogation of the Applicant is not necessary, the Applicant deserves to be granted bail by imposing strict conditions as follows.

(A) The Applicant is granted bail in connection with CR.No.222/1998, which was registered with Sadar Bazar Police Station, now transferred to Flying Squad, State C.I.D., Pune, on his executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) with two local sureties in the like amount.

(B) The Applicant shall not enter the District Solapur during the pendency of the trial except for Court cases on the specified dates.

(C) The Applicant shall inform his place of residence to the investigating officer as well as the trial Court within one week from the date of release. Besides, the Applicant will report to the office of the Flying Squad, State C.I.D., Pune, on every Monday between 10 a.m. to 2 p.m. for the purposes of investigation, or, as and when called upon by the investigating officer in that behalf till the filing of the charge sheet.

(D) The Applicant shall not tamper the prosecution evidence nor shall influence the prosecution witnesses in any manner whatsoever.

(E) The Applicant shall surrender his passport, if any, with the investigating officer within one week from the date of

release. In case, the Applicant does not possess the passport, he shall file affidavit before this Court stating that fact within one week from the date of release.

(F) The Applicant shall not leave the place of residence without prior intimation to the investigating officer as well as the trial Court.

(G) The Applicant shall co-operate with the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant are in any manner responsible for the delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)